



Town of Davie

Department of Human Resources Management

6591 Orange Drive, Davie, Florida 33314-3399

www.davie-fl.gov

954.797.1100

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

AGENDA DATE: December 17, 2003

To: Mayor and Councilmembers

FROM/PHONE: Mark Alan, Director of Human Resources Management (954) 797-1169

PREPARED BY: Mark Alan

SUBJECT: Resolution Amending the Donation of Leave Provision of the Personnel Rules and Regulations

AFFECTED DISTRICT: Not Applicable

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE PERSONNEL RULES AND REGULATIONS, RULE IX, ENTITLED "LEAVES OF ABSENCE," SECTION 13, ENTITLED "DONATED LEAVE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The subject agenda item, concerns a revision of the Town of Davie Personnel Rules and Regulations, Rule IX, entitled "Leaves of Absence," Section 13, entitled "Donated Leave." Pursuant to Ordinance 2003-036 adopted by Town Council September 17, 2003, Town of Davie Personnel Rules and Regulations, Rule XVI, entitled, "Rule Changes," Section 1 states, in part, "(no) change or regulation shall become valid until submitted to and approved by the town council."

Town of Davie Personnel Rules and Regulations provide that, if an employee has exhausted all accrued leave time and any available rights to a leave bank, a fellow employee may donate accrued leave time to said employee, provided the donating employee retains forty (40) hours of vacation and forty (40) hours of sick leave for his or her own personal use.

The Town incurs no cost by permitting employees to donate leave to their fellow employees in need. The donated leave is converted, on a cash value basis, to sick or vacation leave, using the applicable conversion rate. Employees using donated leave would otherwise be in an unpaid status therefore, they do not accrue any additional paid leave. Employees using donated leave are required to pay group health insurance premiums if donated leave extends for more than one month beyond paid family and medical leave. Any unused donated leave is returned to those employees whose donated time was not used.

Currently, an employee in need may utilize leave donated by other employees for up to twelve (12) weeks. In exceptional cases, the town administrator or designee may, in his or her sole discretion, grant extensions for use of employee donated leave up to one (1) calendar year from the date the employee first began utilizing donated leave. Exceptional cases may involve an employee who has a very serious illness or injury, or an employee's spouse, child or parent suffering a catastrophic illness or injury that requires the employee to be absent from work to care for said spouse, child or parent.

At this time, one of our employees who has over twenty (20) years of service with the Town and who was a recipient of a Town Employee Recognition Award, has been out of work due to a serious illness and is approaching a time by which this employee will have used employee donated leave for over one (1) calendar year from the date the employee first began utilizing donated leave.

This resolution will allow employees to continue to donate leave to fellow employees such as the individual mentioned above by eliminating the one (1) calendar year limitation on extensions of such donations and allowing the town administrator or designee to grant extensions for use of donated leave beyond one (1) calendar year in exceptional cases.

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

Page 2 of 2

AGENDA DATE: December 17, 2003
To: Mayor and Councilmembers
FROM: Mark Alan, Director of Human Resources Management
SUBJECT: Resolution Amending the Donation of Leave Provision of the Personnel Rules and Regulations

PREVIOUS ACTIONS: Approval of Ordinance 2003-036 by Town Council on September 17, 2003, Section 2 of which states, "(a)ny necessary future Town Council action regarding the Town of Davie Personnel Rules and Regulations will be addressed through Resolution," and Section 1 of which amended said rules and regulations which include Rule XVI, entitled, "Rule Changes," Section 1 which presently states, in part, "(no) change or regulation shall become valid until submitted to and approved by the town council."

CONCURRENCES: Not Applicable

FISCAL IMPACT: NONE

Has request been budgeted? Not Applicable

Account Name: Not Applicable

RECOMMENDATIONS: Motion to approve the Resolution

Attachment(s):

- Resolution
- Exhibit "A "

cc: Thomas J. Willi, Town Administrator
Ken Cohen, Assistant Town Administrator
Russell Muniz, Town Clerk
El pagnier Hudson, Assistant Human Resources Director

MA:ma
1217-R-2003PersRulesRev-DonatedLv (cm12/17/03)

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE PERSONNEL RULES AND REGULATIONS, RULE IX, ENTITLED "LEAVES OF ABSENCE," SECTION 13, ENTITLED "DONATED LEAVE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie has reviewed Rule IX, entitled "Leaves of Absence," Section 13, entitled "Donated Leave" of the Town of Davie Personnel Rules and Regulations concerning employee donations of leave to fellow employees in need; and

WHEREAS, the Town of Davie incurs no cost by permitting employees to donate leave to their fellow employees in need; and

WHEREAS, the Town of Davie during said review recognizes the need to revise provisions of said section in order to eliminate a one calendar year limitation on extensions of employee donations of leave time to fellow employees in need and to allow the town administrator or designee to grant extensions for use of donated leave beyond one calendar year in exceptional cases; and

WHEREAS, it is recommended that Town of Davie Personnel Rules and Regulations, Rule IX, entitled "Leaves of Absence," Section 13, entitled "Donated Leave" be amended as indicated in a copy of said amended Rule IX, Section 13 which is attached hereto as Exhibit "A"; and

WHEREAS, it is in the best interest of the Town of Davie to approve said amendments to Personnel Rules and Regulations, Rule IX, Section 13, eliminating the one calendar year limitation on extensions of employee leave donations and allowing the town administrator or designee to grant extensions for use of donated leave beyond one calendar year in exceptional cases.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby approve the amendments of Town of Davie Personnel Rules and Regulations, Rule IX, entitled, "Leaves of Absence," Section 13, entitled, "Donated Leave" attached hereto as Exhibit "A".

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of the Resolution.

SECTION 3. This resolution shall take effect immediately its passage and approval.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2003

Exhibit "A"

RULE IX LEAVES OF ABSENCE

Section 13. Donation of leave.

If an employee has exhausted all accrued leave time and any available rights to a leave bank for leave which meets the eligibility criteria of the Family and Medical Leave Act of 1993 (FMLA), a fellow employee may donate accrued leave time to said employee, provided the donating employee retains forty (40) hours of vacation and forty (40) hours of sick leave for his/her own personal use. The donated accrued leave will be converted, on a cash value basis, to sick or vacation leave, using the applicable conversion rate, for the employee to whom it is donated on a cash value basis. Donated leave will be used by the employee in the order in which it was donated. Any unused donated leave will be returned to those employees whose donated time was not used. The employee receiving donated leave shall be required to provide appropriate documentation supporting the purpose and duration of said leave. Donated leave will be counted against the employee's twelve (12) weeks of FMLA, if applicable. Because employees using donated leave would otherwise be in an unpaid status, employees using donated leave will not accrue additional paid leave. Employees using donated leave will be required to pay group health insurance premiums if donated leave extends for more than one month beyond paid family and medical leave. Donated annual leave may be used for any leave which meets the eligibility criteria of the FMLA. Donated sick leave may be used only for situations in which the employee could use his/her own sick leave.

For each instance of an employee's need for such leave, an employee may utilize donated leave for up to twelve (12) weeks. In exceptional cases involving an employee who has a very serious illness or injury, the town administrator or designee may, in his/her sole discretion, grant extensions for use of donated leave ~~up to one calendar year from the date the employee first began utilizing said donated leave~~. Additionally, with the approval of the town administrator or designee, an employee may use donated leave ~~(subject to a one calendar year time limitation stated above)~~ in the event an employee's spouse, child or parent suffers a catastrophic illness or injury that requires the employee to be absent from work to care for said spouse, child or parent.

If an employee is receiving employer-provided disability payments or applicable workers' compensation wage loss benefits, donated leave shall only be used as a supplement to provide the ill or injured employee with his/her regular pay. In addition, donated leave may not be used by an employee when light duty was offered by the town and refused by the employee.

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *